

DEC 16 2009

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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
LYNCHBURG DIVISION

UNITED STATES OF AMERICA,	)	Criminal Action No. 6:05-cr-00006-1
	)	(6:08-cv-80081)
	)	
	)	
v.	)	<u>FINAL ORDER</u>
	)	
	)	By: Norman K. Moon
CIRO GAMALIEL GARCIA.	)	United States District Judge

In accordance with the accompanying Memorandum Opinion, it is hereby **ORDERED** and **ADJUDGED** that the United States' Motion to Dismiss is **GRANTED**, and Garcia's motion pursuant to 28 U.S.C. § 2255 is **DISMISSED**. Furthermore, finding that Garcia has failed to make a substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253(c)(1), a certificate of appealability is **DENIED**. Any pending motions are hereby **DENIED as MOOT**, and the Clerk of the Court is directed to **STRIKE** this action from the active docket of the court.

The Clerk is further directed to send a certified copy of this Order and the accompanying Memorandum Opinion to Petitioner and to counsel for the United States.

ENTER: This 16<sup>th</sup> day of December, 2009.

  
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NORMAN K. MOON  
UNITED STATES DISTRICT JUDGE